

The following regulations have been adopted and published in the Kansas Register. They will become effective on the final date listed in the history section that follows each regulation. Regulations become effective 15 days after publication in the Kansas Register unless a later effective date is given in the body of the regulation.

**State of Kansas**

**Real Estate Commission**

**Permanent Administrative Regulations**

**Article 1.—EXAMINATION AND REGISTRATION**

**86-1-3. Expiration of licenses.** The expiration date for each original license issued by the commission shall be the first day of the month of issuance two years after the issuance date. Each license renewed by the commission shall expire two years after the expiration date of the preceding license. This regulation shall be effective on and after January 1, 2019. (Authorized by K.S.A. 2017 Supp. 74-4202; implementing K.S.A. 2017 Supp. 58-3045; effective Jan. 1, 1966; amended, E-73-30, Sept. 28, 1973; amended Jan. 1, 1974; amended, E-81-18, July 16, 1980; amended May 1, 1981; amended, T-87-32, Nov. 19, 1986; amended May 1, 1987; amended T-86-10-1-97, Oct. 1, 1997; amended Oct. 24, 1997; amended Dec. 21, 2018.)

**86-1-5. Fees.** (a) Each applicant shall pay a fee in an amount equal to the actual cost of the examination and the administration of the examination to the testing service designated by the commission.

(b) Each applicant shall submit the following fees for licensure to the commission:

(1) For submission of an application for an original salesperson's license, a fee of \$15;

(2) for submission of an application for an original broker's license, a fee of \$50;

(3) for an original salesperson's license, a prorated fee based on a two-year amount of \$125;

(4) for an original broker's license, a prorated fee based on a two-year amount of \$175;

(5) for renewal of a salesperson's license, a two-year fee of \$125;

(6) for renewal of a broker's license, a two-year fee of \$175;

(7) for reinstatement of a license that has been deactivated or that has been canceled pursuant to K.S.A. 58-3047(c), and amendments thereto, a fee of \$15;

(8) for each branch office, a fee of \$100; and

(9) for each primary office of a company created or established by a supervising broker, a fee of \$100.

(c)(1) Each applicant shall meet one of the following requirements:

(A) Submit a paper fingerprint card to the commission and pay a fee of \$60 to the commission; or

(B) submit electronic fingerprints to the Kansas bureau of investigation (KBI) or through a KBI-approved vendor and pay the cost for that service.

(2) Each licensee who is submitting fingerprints in connection with an investigation of that licensee shall pay a fee of \$60 for the cost of submission of the licensee's fingerprints to the KBI for the purpose of obtaining a criminal history check conducted by the KBI and the federal bureau of investigation and for the commission's reasonable costs of administering the criminal history check

program in connection with any investigation.

(d) Each course provider seeking course approval pursuant to K.S.A. 58-3046a, and amendments thereto, shall pay a fee of \$75 to the commission.

(e) Each licensee seeking approval of a course of instruction pursuant to K.S.A. 58-3046a(k), and amendments thereto, shall pay a fee of \$10 to the commission. (Authorized by K.S.A. 2017 Supp. 58-3063; implementing K.S.A. 2017 Supp. 58-3039 and 58-3063; effective Jan. 1, 1966; amended, E-73-30, Sept. 28, 1973; amended Jan. 1, 1974; amended, E-74-50, Sept. 13, 1974; amended May 1, 1975; amended, E-81-18, July 16, 1980; amended May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended, T-86-10, May 1, 1985; amended May 1, 1986; amended, T-87-32, Nov. 19, 1986; amended May 1, 1987; amended Sept. 26, 1988; amended July 31, 1991; amended Dec. 20, 1993; amended July 31, 1996; amended, T-86-10-1-97, Oct. 1, 1997; amended Oct. 24, 1997; amended March 13, 1998; amended, T-86-7-2-07, July 2, 2007; amended Nov. 16, 2007; amended Dec. 1, 2015; amended March 17, 2017; amended Dec. 21, 2018.)

**86-1-15.** (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 58-3045, as amended by L. 2007, ch. 88, sec. 7 and K.S.A. 2006 Supp. 58-3046a, as amended by L. 2007, ch. 88, sec. 6; effective, T-87-32, Nov. 19, 1986; effective May 1, 1987; amended Nov. 17, 1995; amended, T-86-7-2-07, July 2, 2007; amended Nov. 16, 2007; revoked Dec. 21, 2018.)

**86-1-19. Submission of supporting documentation with application.** In addition to submitting the application for original licensure as a real estate broker or salesperson, each applicant shall file the following with the commission:

(a) The applicant's fingerprints and a completed waiver, on a form approved by the commission, and the fee required by K.A.R. 86-1-5(c)(1)(A);

(b) documentation concerning any final court judgment, memorandum, or other dispositive order or any settlement agreement resulting from litigation filed against the applicant or any real estate company owned in whole or in part by the applicant relating to the business of buying, selling, exchanging, or leasing real estate or to any activity listed in the definition of "broker" in K.S.A. 58-3035 and amendments thereto;

(c) a statement that completely and truthfully discloses any pending charges, plea of guilty or nolo contendere, diversion or suspended imposition of sentence, or conviction of a misdemeanor or felony. If requested by the commission, the applicant shall also submit documentation concerning any matters disclosed pursuant to this subsection;

(d) documentation concerning any denial, revocation, suspension, voluntary surrender, or any other disciplinary action taken by the state of Kansas or another jurisdiction against any professional or occupational license or certificate held by the applicant;

(e) a license history certification from any jurisdiction in which the applicant is currently licensed or has ever

been licensed; and

(f) a nonresident service of process appointment form for any applicant who is not a resident of Kansas, which shall be submitted on a form approved by the commission. (Authorized by K.S.A. 2017 Supp. 74-4202; implementing K.S.A. 2017 Supp. 58-3039, K.S.A. 2017 Supp. 58-3040, K.S.A. 2017 Supp. 58-3043, and K.S.A. 2017 Supp. 58-3050; effective Nov. 8, 2002; amended, T-86-7-2-07, July 2, 2007; amended Nov. 16, 2007; amended Dec. 21, 2018.)

**Article 3.—PERSONS HOLDING LICENSES; DUTIES**

**86-3-15. Reporting of information.** (a) Each licensee shall report any of the following circumstances to the commission, in writing and within 10 days of the date of occurrence:

(1) Any settlement from litigation filed against the licensee or any real estate company owned in whole or in part by the licensee relating to the business of buying, selling, exchanging, or leasing real estate or to any activity listed in the definition of “broker” in K.S.A. 58-3035 and amendments thereto. The licensee shall provide a copy of the settlement agreement;

(2) any final court judgment, memorandum, or other dispositive order against the licensee or any real estate company owned in whole or in part by the licensee;

(3) any charge of, arrest or indictment for, plea of guilty or nolo contendere to, or conviction of any of the following:

(A) Any misdemeanor; or

(B) any felony;

(4) any change in the licensee’s name;

(5) any change in the licensee’s residence address;

(6) any change in the licensee’s electronic-mail address on file with the commission;

(7) any denial by another jurisdiction of an application made by the licensee for a broker or salesperson license;

(8) any suspension or revocation of, or any other disciplinary action taken by another jurisdiction against a broker or salesperson license held by the licensee; or

(9) any denial, suspension, revocation, voluntary surrender, or any other disciplinary action taken by the state of Kansas or another jurisdiction against any professional or occupational license or certificate held by the licensee.

(b) Each supervising broker for a partnership, association, or corporation whose members or officers are licensed pursuant to K.S.A. 58-3042, and amendments thereto, shall be responsible for reporting the information required by this regulation as it relates to the partnership, association, or corporation.

(c) Each supervising broker and branch broker shall report to the commission any information pursuant to paragraph (a)(3) that is applicable to any associated or employed salesperson or associate broker. This report shall be submitted in writing within 10 days of the date that knowledge of the information comes to the attention of the broker.

(d) Each licensee shall report to the licensee’s supervising broker or branch broker any information pursuant to paragraph (a)(3) within 10 days of the date of occurrence. (Authorized by K.S.A. 2017 Supp. 74-4202; implementing K.S.A. 2017 Supp. 58-3042, 58-3043, 58-3050, 58-3062, and 74-4202; effective Jan. 1, 1974; amended, E-81-18, July

16, 1980; amended May 1, 1981; amended May 1, 1984; amended, T-87-32, Nov. 19, 1986; amended May 1, 1987; amended Nov. 8, 2002; amended, T-86-7-2-07, July 2, 2007; amended Nov. 16, 2007; amended Dec. 21, 2018.)

Erik Wisner  
Executive Director

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**State of Kansas**

**Department of Wildlife, Parks and Tourism**

**Permanent Administrative Regulations**

**Article 2.—FEES, REGISTRATIONS  
AND OTHER CHARGES**

**115-2-3. Camping, utility, and other fees.** (a) Each overnight camping permit shall be valid only for the state park for which the permit is purchased and shall expire at 2:00 p.m. on the day following its effective date.

(b) Any annual camping permit may be used in any state park for unlimited overnight camping, subject to other laws and regulations of the secretary. This permit shall expire on December 31 of the year for which the permit is issued.

(c) Any 14-night camping permit may be used in any state park. This permit shall expire when the permit has been used a total of 14 nights, or on December 31 of the year for which the permit is issued, whichever is first.

(d) Camping permits shall not be transferable.

(e) The fee for a designated prime camping area permit shall be in addition to the overnight, annual, 14-night, or other camping permit fee and shall apply on a nightly basis.

(f) Fees shall be due at the time of campsite occupancy and by noon of any subsequent days of campsite occupancy.

(g) Fees set by this regulation shall be in addition to any required motor vehicle permit fee specified in K.A.R. 115-2-2.

(h) The following fees shall be in effect for state parks and for other designated areas for which camping and utility fees are required:

Camping—per camping unit (April 1 through September 30):

Annual camping permit.....	\$ 250.00
Overnight camping permit.....	9.00
14-night camping permit.....	110.00
Prime camping area permit.....	2.00

Camping—per camping unit (October 1 through March 31):

Annual camping permit.....	200.00
Overnight camping permit.....	9.00
14-night camping permit.....	110.00
Overflow primitive camping permit, per night.....	5.00

Recreational vehicle seasonal camping permit, except for Clinton, El Dorado, Milford, Sand Hills, and Tuttle Creek State Parks (includes utilities)—per month, per unit (annual camping permit and annual vehicle permit required):

One utility .....	370.50
Two utilities.....	430.50

Three utilities .....	490.50
Recreational vehicle seasonal camping permit for Clinton, Milford, Sand Hills, and Tuttle Creek State Parks (includes utilities)—per month, per unit (annual camping permit and annual vehicle permit required):	
One utility .....	460.50
Two utilities.....	520.50
Three utilities .....	580.50
Recreational vehicle seasonal camping permit for El Dorado State Park (includes utilities)—per month, per unit (annual camping permit and annual vehicle permit required):	
One utility .....	485.50
Two utilities.....	545.50
Three utilities .....	605.50
Recreational vehicle short-term parking— per month.....	50.00
Utilities—electricity, water, and sewer hookup per night, per unit:	
One utility .....	9.00
Two utilities.....	11.00
Three utilities .....	12.00
Youth group camping permit in designated areas, per camping unit—per night.....	2.50
Group camping permit in designated areas, per person—per night .....	1.50
Reservation fee, per reservation (camping, special use, or day use).....	10.00
Rent-a-camp: equipment rental per camping unit—per night.....	15.00
Duplicate permit .....	10.00
Special event permit negotiated based on event type, required services, and lost revenue—maximum .....	200.00

This regulation shall be effective on and after January 1, 2019. (Authorized by and implementing K.S.A. 2018 Supp. 32-807 and 32-988; effective Jan. 22, 1990; amended Jan. 28, 1991; amended June 8, 1992; amended Oct. 12, 1992; amended Aug. 21, 1995; amended Sept. 19, 1997; amended Jan. 1, 1999; amended Jan. 1, 2001; amended Jan. 1, 2003; amended Jan. 1, 2005; amended Jan. 1, 2009; amended Jan. 1, 2011; amended April 8, 2011; amended Jan. 1, 2012; amended May 24, 2013; amended Feb. 7, 2014; amended Jan. 1, 2015; amended Jan. 1, 2017; amended Jan. 1, 2018; amended Jan. 1, 2019.)

**115-2-5.** This regulation shall be revoked on and after January 1, 2019. (Authorized by and implementing K.S.A. 32-807, K.S.A. 32-901, and K.S.A. 2007 Supp. 32-988; effective April 1, 1996; amended Aug. 2, 1996; amended Jan. 1, 2009; revoked Jan. 1, 2019.)

## **Article 7.—FISH AND FROGS**

### **115-7-3. Fish; taking and use of baitfish or minnows.**

(a) Baitfish may be taken for noncommercial purposes by any of the following means:

- (1) A seine not longer than 15 feet and four feet deep with mesh not larger than 1/4 inch;
  - (2) a fish trap with mesh not larger than 1/4 inch and a throat not larger than one inch in diameter;
  - (3) a dip or cast net with mesh not larger than one inch; or
  - (4) a fishing line.
- (b) Each fish trap shall be tagged with the operator's

name and address when the fish trap is in use.

(c) Baitfish taken, except gizzard shad, shall not exceed 12 inches in total length.

(d) The possession limit shall be 500 baitfish.

(e) Live baitfish, except for bluegill and green sunfish from non-designated aquatic nuisance waters and baitfish from designated aquatic nuisance waters, may be caught and used as live bait only within the common drainage where caught. However, live baitfish shall not be transported and used above any upstream dam or barrier that prohibits the normal passage of fish. Bluegill and green sunfish collected from non-designated aquatic nuisance waters may be possessed or used as live bait anywhere in the state. Live baitfish collected from designated aquatic nuisance waters shall be possessed or used as live bait only while on that water and shall not be transported from the water alive.

(f) No person shall import live baitfish that does not meet the requirements of K.A.R. 115-17-2 and K.A.R. 115-17-2a.

This regulation shall be effective on and after January 1, 2019. (Authorized by and implementing K.S.A. 2018 Supp. 32-807; effective Sept. 10, 1990; amended Nov. 20, 2009; amended Jan. 1, 2012; amended Jan. 1, 2013; amended Jan. 1, 2015; amended Jan. 1, 2019.)

## **Article 17.—WILDLIFE, COMMERCIAL USES AUTHORIZED**

**115-17-2. Commercial sale of fish bait.** (a) The following live species of wildlife may be commercially sold in Kansas for fishing bait:

- (1) The following species of fish:
  - (A) Black bullhead (*Ameiurus melas*);
  - (B) bluegill (*Lepomis macrochirus*), including hybrids;
  - (C) fathead minnow (*Pimephales promelas*), including "rosy reds";
  - (D) golden shiner (*Notemigonus crysoleucas*);
  - (E) goldfish (*Carassius auratus*), including "black saltys";
  - (F) green sunfish (*Lepomis cyanellus*), including hybrids;
- and
- (G) yellow bullhead (*Ameiurus natalis*);
- (2) only species of annelids native to or naturalized in the continental United States;
- (3) the following species of crayfish:
  - (A) Virile crayfish (*Orconectes virilis*);
  - (B) calico crayfish (*Orconectes immunes*); and
  - (C) white river crayfish (*Procambarus acutus*); and
- (4) only species of insects native to or naturalized in Kansas.

(b) Gizzard shad (*Dorosoma cepedianum*) may be commercially sold only if dead.

(c) Wildlife listed in K.A.R. 115-15-1 or in K.A.R. 115-15-2 or prohibited from importation pursuant to K.S.A. 32-956, and amendments thereto, shall not be sold.

(d) Live aquatic bait shall be certified free of the following pathogens before import, according to K.A.R. 115-17-2a:

- (1) Spring viremia of carp virus;
- (2) infectious pancreatic necrosis virus;
- (3) viral hemorrhagic septicemia virus; and
- (4) infectious hematopoietic virus.

(e) Each distribution tank and each retail tank shall utilize a source of potable water or well water.



This regulation shall be effective on and after January 1, 2019. (Authorized by and implementing K.S.A. 2018 Supp. 32-807; effective Sept. 10, 1990; amended Nov. 30, 1998; amended Jan. 1, 2012; amended Jan. 1, 2017; amended Jan. 1, 2018; amended Jan. 1, 2019.)

#### Article 18.—SPECIAL PERMITS

**115-18-10. Importation and possession of certain wildlife; prohibition, permit requirement, and restrictions.** (a) The importation, possession, or release in Kansas of the following live wildlife species shall be prohibited, except as authorized by terms of a wildlife importation permit issued by the secretary:

- (1) Walking catfish (*Clarias batrachus*);
- (2) silver carp (*Hypophthalmichthys molitrix*);
- (3) bighead carp (*Hypophthalmichthys nobilis*);
- (4) black carp (*Mylopharyngodon piceus*);
- (5) snakehead fish (all members of the family Channidae);
- (6) round goby (*Neogobius melanostomus*);
- (7) white perch (*Morone americana*);
- (8) zebra mussel (*Dreissena polymorpha*);
- (9) quagga mussel (*Dreissena bugensis*);
- (10) New Zealand mudsnail (*Potamopyrgus antipodarum*);
- (11) diploid grass carp (*Ctenopharyngodon idella*);
- (12) marbled crayfish (*Procambarus virginalis*);
- (13) monk parakeet (*Myiopsitta monachus*); and
- (14) Asian raccoon dog (*Nyctereutes procyonoides*).

(b) Any live member of a wildlife species listed in subsection (a) and possessed before the following dates may be retained in possession, in closed confinement, by making application to the secretary that provides information detailing the circumstances, including the location, by which the animal came into the applicant's possession:

- (1) February 1, 1978 for fish and bird species other than black carp, snakehead fish, round goby, white perch, zebra mussel, quagga mussel, New Zealand mudsnail, and diploid grass carp;
- (2) February 1, 1986 for mammal species;
- (3) October 1, 2000 for black carp;
- (4) May 1, 2003 for snakehead fish;
- (5) August 1, 2004 for round goby, quagga mussel, and zebra mussel;
- (6) May 15, 2005 for New Zealand mudsnail;
- (7) February 15, 2007 for white perch;
- (8) January 1, 2008 for diploid grass carp; and

(9) January 30, 2019 for marbled crayfish.

The manner in which the animal is to be used shall be identified in the application.

(c) Wildlife importation permits for the importation or possession of live members of the wildlife species listed in subsection (a) may be issued by the secretary for experimental, scientific, display, or other purposes subject to any conditions and restrictions contained or referenced in a wildlife importation permit.

(d) Each individual desiring to import or possess live members of the wildlife species listed in subsection (a) shall apply to the secretary for a wildlife importation permit. The application shall be submitted on forms provided by the department and shall contain the following information:

- (1) The name, address, and telephone number of applicant;
- (2) the wildlife species to be imported or possessed and the number of wildlife involved;
- (3) the purpose or purposes for importation or possession;
- (4) a description of the facilities for holding and using the wildlife species;
- (5) a description of plans to prevent the release of the wildlife species; and
- (6) other relevant information as requested by the secretary.

(e) Each wildlife importation permit, once issued, shall be valid during the time period specified on the permit.

(f) In addition to other penalties prescribed by law, any wildlife importation permit may be refused issuance or revoked by the secretary if any of the following conditions is met:

- (1) The application is incomplete or contains false information.
- (2) Issuance of a permit would not be in the best interest of the public or of the natural resources of Kansas.
- (3) The permittee fails to meet permit requirements or violates permit conditions. (Authorized by K.S.A. 2018 Supp. 32-807 and K.S.A. 32-956; implementing K.S.A. 32-956; effective Dec. 27, 1993; amended Sept. 22, 2000; amended April 18, 2003; amended July 23, 2004; amended May 20, 2005; amended Feb. 9, 2007; amended Nov. 16, 2007; amended Dec. 21, 2018.)

Linda Craghead  
Interim Secretary

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